

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
P.O. Box 1450
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APPEAL BRIEF

This Appeal Brief is in furtherance of the Notice of Appeal filed on August 20, 2010. The Appeal Brief contains the following sections in the order set forth below:

- I. REAL PARTY IN INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- III. STATUS OF CLAIMS
- IV. STATUS OF AMENDMENTS
- V. SUMMARY OF THE CLAIMED SUBJECT MATTER
- VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
- VII. ARGUMENT
- VIII. CLAIMS APPENDIX
- IX. EVIDENCE APPENDIX
- X. RELATED PROCEEDINGS APPENDIX

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is STUBHUB, INC., as the Assignee of record.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, or be affected by, or have a bearing on the decision of the Board in the pending appeal.

III. STATUS OF CLAIMS

Claims originally filed: 1-35

Claims canceled: None

Claims withdrawn from consideration: None

Claims allowed: None

Claims objected to: None

Claims rejected: 1-35

Claims on appeal: 1-35

IV. STATUS OF AMENDMENTS

No amendments subsequent to the Final Office Action dated May 20, 2010 have been made.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The following is a concise explanation of the subject matter defined in each of independent claims 1, 13 and 21 involved in the appeal, referring to the specification by page and line number, and to the drawings by reference characters.

Support for the claimed subject matter defined in independent claim 1 is found at least in the portions of the specification and drawings as follows.

Claim 1	Specification and Drawings
A online marketplace system for providing logistics for a sale of one or more goods,	<p>Various embodiments are directed to a system and method for providing logistics for the sale and purchase of goods, such as event tickets. In one embodiment, the system and method are implemented on a global communications or computer network. Particularly, the system and method may comprise a "Web site," that may be implemented by at least one computer system or network (e.g., a plurality of cooperatively linked computers) that is operatively and communicatively coupled to a global computer network (e.g., the Internet) and that may be selectively and remotely accessed by users of the network. Page 10, line 16 - Page 11, line 2.</p> <p>FIG. 1 shows a system 10 which is implemented on a global communications or computer network 20 (e.g., the Internet). System 10 may represent a conventional and commercially available computer system or an independent microprocessor-based system built specifically for use with the present invention. Page 11, lines 16-21 and FIG. 1.</p>
the online marketplace system being adapted to receive information from a seller and a buyer,	<p>In functional block or step 32, system 10 receives information from sellers regarding the identity of the sellers, and a description and location of the goods that the sellers desire to sell. In one embodiment, data can be communicated over a global computer network 20 by prospective sellers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. Page 13, lines 13-18 and FIGS. 1 and 2.</p> <p>FIGS. 6-14 illustrate some examples of queries and interactive "pages" (i.e., Web</p>

	<p>pages where users may view and enter data by use of conventional browsing software) that may be presented by system 10 in order to gather information from prospective sellers of event tickets. Page 13, lines 19-22 and FIGS. 6-14.</p> <p>Referring back to FIG. 2, the system 10 proceeds with the methodology 30 by receiving a purchase request and information from the buyer, as shown in functional block or step 36. Particularly, when a buyer desires to purchase any of the presented goods, system 10 accepts the purchase request, and queries the buyer for information (e.g., name, address, city, state, zip code, and other buyer attribute data). Page 24, line 20 – Page 25, line 2 and FIGS. 1 and 2.</p> <p>In one embodiment, the following series of pages may be used: a seat selection page that allows a user to select which of the seats the user desires to purchase; a delivery location options page that allows a user to enter a desired location for delivery (e.g., the user's home and/or work address, or will call); a delivery method options page that allows a user to select between various shipping options (e.g., conventional land/air courier, express courier, local courier or runner, overnight delivery, second day delivery, same day delivery); a payment options page that displays the total cost (e.g., ticket and delivery cost) and allows a user to select a method of payment (e.g., the type and number of a credit or debit card); and a confirmation page that allows a user to view a summary of the foregoing information, including a description of the tickets, delivery method, delivery location, payment amount, and method of payment. Page 25, line 17 – Page 26, line 5 and FIGS. 1 and 2.</p>
for serving as an intermediary between the seller and the buyer,	The system and methods provide an efficient way for many disparate sellers to

	<p>effectively advertise and present their goods to many prospective, remote purchasers. Furthermore, the system and methods provide an infrastructure that allows remote sellers to accept orders of goods from remote purchasers, that performs the necessary financial transactions to confirm and complete the sale of goods, and to ship the goods to a purchaser in a timely manner. Moreover, the system and methods provide an infrastructure that allows buyers to promptly locate specific goods that they desire to purchase and that are currently for sale, and to ensure that the purchase and delivery of goods will occur in a timely and secure manner. Page 33, lines 15-23.</p> <p>The system and method performs all of the financial and shipping logistics without requiring any interaction between the buyer and seller. The system and method may be implemented in a “double blind” manner to enable a third party (i.e., the operator of the system) to manage a transaction for the sale of goods between a seller and a remote buyer, including performing all necessary financial and shipping logistics, while maintaining the identity of the transacting parties confidential from one another. Page 34, lines 1-7.</p>
to present a seller interface for receiving information from the seller comprising a seller identity and a description of the one or more goods,	<p>FIGS. 6-14 illustrate some examples of queries and interactive “pages” (i.e., Web pages where users may view and enter data by use of conventional browsing software) that may be presented by system 10 in order to gather information from prospective sellers of event tickets. Page 13, lines 3 - 6 and FIGS. 6-14.</p> <p>In step 504, system 10 receives information from the provider (e.g., the ticket holder). The information may include: (i) the identity of the provider, (ii) a description and/or location of the tickets that the provider desires to sell, auction or</p>

	<p>otherwise transfer, (iii) the method of selling the goods (e.g., conventional sale, auction or raffle), and (iv) the identity of the charitable or nonprofit entity that will receive at least some of the proceeds resulting from the transfer. In one embodiment, data can be communicated over a global computer network 20 by prospective providers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. The interface screens for receiving this information from the provider may be substantially similar to those shown in FIGS. 6-14 and described above. Page 37, line 18 – Page 38, line 5 and FIG. 20.</p> <p>In functional block or step 32, system 10 receives information from sellers regarding the identity of the sellers, and a description and location of the goods that the sellers desire to sell. In one embodiment, data can be communicated over a global computer network 20 by prospective sellers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. Page 11, line 20 - Page 12, line 2 and FIGS. 1 and 2.</p>
to present a listing of the one or more goods on behalf of the seller based on the information received from the seller,	Referring back to Figure 2, after receiving and processing all of the seller information, the system 10 proceeds with the methodology 30 by presenting information to prospective buyers, as shown in functional block or step 34. Particularly, the system 10 presents information regarding goods that are for sale to prospective buyers. The information is communicated over a global computer network 20 to prospective buyers who are directed to or are visiting a Web site utilized to implement system 10. Page 23, lines 11-17.
to present the buyer with a buyer interface comprising the listing that includes the	A method for providing logistics for a sale of goods is provided. The method includes

description of the one or more goods while maintaining the seller identity confidential from the buyer,	the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19. In the embodiment shown in FIG. 6, a user can locate an event by the type of event, the city in which the event is held, or by the venue in which the event is to occur. When a user selects the appropriate type of event, city or venue, system 10 will further query the user to locate the event. For example, if a user selects "Sports," system 10 will present an interactive page illustrating a plurality of sports categories, such as baseball, football, hockey, soccer, and others. Page 14, lines 10-14 and FIGS. 6-14. Various embodiments provide a system and method that performs all of the financial and shipping logistics without requiring any interaction between the buyer and seller. The system and method may be implemented in a "double blind" manner to enable a third party (i.e., the operator of the system) to manage a transaction for the sale of goods between a seller and a remote buyer, including performing all necessary financial and shipping logistics, while maintaining the identity of the transacting parties (i.e., buyer and seller) confidential from one another. Page 34, lines 1-7 and
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<p>and to provide financial logistics and shipping logistics for completing the sale of the one or more goods, wherein:</p>	<p>FIG. 5. A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19. Referring to FIG. 2, once the transaction has been confirmed by the buyer, system 10 proceeds with the methodology 30 by providing financial logistics, as shown in functional block or step 38, and by providing shipping logistics, as shown in functional block or step 40. It should be appreciated that while steps 38 and 40 are illustrated as occurring sequentially in flow diagram 30, portions of the steps 38 and 40 may be interspersed over the course of the entire sales transaction. Page 29, lines 1-7 and FIGS. 2-3.</p>
<p>the financial logistics include collecting proceeds of the sale of the one or more goods from a financial service provider designated by the buyer,</p>	<p>A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines</p>

	<p>1-7.</p> <p>As illustrated by block 102, system 10 controls and/or facilitates the entire sale and purchase process, and serves as an intermediary between the buyer and seller, such that the buyer and seller have no direct interaction (e.g., the identity of the parties can remain concealed from one another). In one embodiment, system 10 is electronically integrated with systems of financial service providers and couriers, which operate in a cooperative manner with system 10 to provide financial and shipping logistics. Page 35, line 22 – Page 36, line 5 and FIG. 5.</p>
deducting a fee for use of the online marketplace system from the proceeds of the sale,	Flow diagram 50 of FIG. 3 illustrates an example of a method of providing payment processing or financial logistics. Briefly, methodology 50 is executed as follows: the system 10 authorizes the sale amount on the buyer's credit card in functional block or step 52; notifies the seller of the proposed purchase and receives seller confirmation in functional block or step 54; charges the buyer's credit card in functional block or step 56; collects funds from the credit card transaction in functional block or step 58; and deducts a fee and transfers the remaining amount of the sale to the seller in functional block or step 60. Page 29, lines 11-19 and FIG. 3.
and transferring remaining proceeds of the sale according to an option selected by the seller,	A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.

	<p>Alternatively, the seller may choose to have the proceeds of the sale donated to a third party, such as a charity or nonprofit entity. Page 21, lines 16-19.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.</p>
without requiring interaction between the buyer and seller; and	<p>The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.</p> <p>Various embodiments provide a system and method that performs all of the financial and shipping logistics without requiring any interaction between the buyer and seller. The system and method may be implemented in a "double blind" manner to enable a third party (i.e., the operator of the system) to manage a transaction for the sale of goods between a seller and a remote buyer, including performing all necessary financial and shipping logistics, while maintaining the identity of the transacting parties (i.e., buyer and seller) confidential from one another. Page 34, lines 1-7 and FIG. 5.</p>
the seller interface presents available options for directing the remaining proceeds of the sale and	Referring to FIG. 2, once the transaction has been confirmed by the buyer, system 10 proceeds with the methodology 30 by providing financial logistics, as shown in functional block or step 38, and by providing shipping logistics, as shown in functional block or step 40. It should be

	<p>appreciated that while steps 38 and 40 are illustrated as occurring sequentially in flow diagram 30, portions of the steps 38 and 40 may be interspersed over the course of the entire sales transaction. Page 29, lines 1-7.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.</p>
receives the option selected by the seller from the available options prior to presenting the listing to the buyer,	In one embodiment, the system 10 may further offer the user a “donate to charity” option. Page 21, lines 10-11.
the available options allowing the seller to: choose to receive all of the remaining proceeds of the sale if the one or more goods are sold before a last sale time passes	Upon receipt of an affirmative authorization, system 10 proceeds to step 54, where it automatically and electronically notifies the seller that the tickets have been sold (e.g., by e-mail notification). At such time, system 10 requests the seller to confirm (e.g., by return e-mail, or via a web page) that the tickets are still available and that the seller will be able to complete the transaction. Once the seller has confirmed the transaction, the system 10 automatically and electronically charges the buyer's credit card, as shown in step 56. In step 58, the system 10 collects the funds by having them electronically transferred into a conventional merchant account in a selected bank. Finally, in step 60, system 10 automatically deducts any transaction fees charged by the owner or operator of system 10, and directs the remaining proceeds to the seller in a conventional manner (e.g., by issuing a certified check to the seller, or by wiring electronic funds to the seller). It should be appreciated that each of the steps 56, 58 and 60 may be performed and/or facilitated by use of one or more online payment processing providers or companies that have relationships with the operator or owner of

	<p>system 10. In the preferred embodiment, the payment providers' systems are electronically integrated with system 10, thereby simplifying the transactions. Page 30, lines 7-22.</p> <p>In step 86, the seller accesses system 10 in a conventional manner, such as through a Web site implementing system 10. The seller navigates through the site and locates the event for which the seller has tickets. After the seller selects the event, the system 10 requires the seller to register and login, as shown in step 88. The system 10 also receives a description of the tickets from the seller and confirms the proposed sale. After a purchase is made by a buyer, the system 10 notifies the seller, requests a confirmation from the seller that the seller has the tickets and can complete the transaction, and provides the seller with available courier pickup and drop-off options, as shown in step 90. Once the delivery of the tickets has been completed, system 10 provides payment to the seller (e.g., by check or electronic wire) minus an operating fee, as shown in step 92. Page 35, lines 4-14.</p>
and automatically donate the one or more goods to a third party designated by the seller if the last sale time passes and the one or more goods have not been sold, or	According to this option, if the last sale time passes and the tickets still have not been sold, the system 100 will automatically have the tickets donated to a charitable or nonprofit organization, without charge to the seller. In the event that a seller selects this option, system 10 will automatically arrange for a courier or representative of a charitable or nonprofit organization to retrieve the tickets and deliver them to the requisite location. Page 21, lines 11-16.
choose to donate at least a portion of the remaining proceeds of the sale to the third party designated by the seller if the one or more goods are sold before the last sale time passes.	Alternatively, the seller may choose to have the proceeds of the sale donated to a third party, such as a charity or nonprofit entity. This "charity" option is described in greater detail in the section entitled "Transfers with Proceeds to a Third Party"

	<p>that follows. Page 21, lines 16-19.</p> <p>In this manner, the system allows an owner or provider of goods, such as event tickets, to present the goods for auction and allow the proceeds to flow directly to a charity or nonprofit organization of the owner's choice. Page 36, lines 19-22.</p> <p>In addition, the system 10 may present an interface or screen that allows a user to select a charitable or nonprofit entity to which a portion of the proceeds may be donated. Page 38, lines 8-9.</p>
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Support for the claimed subject matter defined in independent claim 13 is found at least in the portions of the specification and drawings as follows.

Claim 13	Specification and Figures
A computerized method for providing logistics for a sale of one or more goods comprising the steps of:	A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16. Various embodiments provide a system and method for providing logistics for the sale, purchase and transfer of goods, such as event tickets. Page 10, lines 16-19.
receiving information at an intermediary computer system from a seller and a buyer for providing an online marketplace for conducting the sale of the one or more	The system and method enables a third party (i.e., an operator of the system) to manage a transaction for the transfer of goods between a remote seller or provider

goods without requiring interaction between the seller and the buyer,	and a remote buyer, including performing all necessary payment and shipping logistics, in a manner that maintains the identity of both parties (i.e., the buyer and seller) confidential from one another. Page 5, lines 14-19. The system and methods provide an efficient way for many disparate sellers to effectively advertise and present their goods to many prospective, remote purchasers. Furthermore, the system and methods provide an infrastructure that allows remote sellers to accept orders of goods from remote purchasers, that performs the necessary financial transactions to confirm and complete the sale of goods, and to ship the goods to a purchaser in a timely manner. Moreover, the system and methods provide an infrastructure that allows buyers to promptly locate specific goods that they desire to purchase and that are currently for sale, and to ensure that the purchase and delivery of goods will occur in a timely and secure manner. Page 33, lines 15-23.
wherinc the intermediary system is adapted to collect proceeds of the sale of the one or more goods from a financial service provider designated by the buyer, deduct a fee for use of the online marketplace from the proceeds of the sale, and transfer	A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the

remaining proceeds of the sale according to an option selected by the seller;	sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7. As illustrated by block 102, system 10 controls and/or facilitates the entire sale and purchase process, and serves as an intermediary between the buyer and seller, such that the buyer and seller have no direct interaction (e.g., the identity of the parties can remain concealed from one another). In one embodiment, system 10 is electronically integrated with systems of financial service providers and couriers, which operate in a cooperative manner with system 10 to provide financial and shipping logistics. Page 35, line 22 – Page 36, line 5 and FIG. 5.
presenting a seller interface to a computer of the seller, the seller interface providing the seller with available options for directing the remaining proceeds of the sale and for receiving the option selected by the seller from the available options prior to listing the one or more goods for sale to the buyer,	Referring to FIG. 2, once the transaction has been confirmed by the buyer, system 10 proceeds with the methodology 30 by providing financial logistics, as shown in functional block or step 38, and by providing shipping logistics, as shown in functional block or step 40. It should be appreciated that while steps 38 and 40 are illustrated as occurring sequentially in flow diagram 30, portions of the steps 38 and 40 may be interspersed over the course of the entire sales transaction. Page 29, lines 1-7. FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.
the available options allowing the seller to choose to receive all of the remaining proceeds of the sale if the one or more goods are sold before a last sale time	Upon receipt of an affirmative authorization, system 10 proceeds to step 54, where it automatically and electronically notifies the seller that the

passes	<p>tickets have been sold (e.g., by e-mail notification). At such time, system 10 requests the seller to confirm (e.g., by return e-mail, or via a web page) that the tickets are still available and that the seller will be able to complete the transaction. Once the seller has confirmed the transaction, the system 10 automatically and electronically charges the buyer's credit card, as shown in step 56. In step 58, the system 10 collects the funds by having them electronically transferred into a conventional merchant account in a selected bank. Finally, in step 60, system 10 automatically deducts any transaction fees charged by the owner or operator of system 10, and directs the remaining proceeds to the seller in a conventional manner (e.g., by issuing a certified check to the seller, or by wiring electronic funds to the seller). It should be appreciated that each of the steps 56, 58 and 60 may be performed and/or facilitated by use of one or more online payment processing providers or companies that have relationships with the operator or owner of system 10. In the preferred embodiment, the payment providers' systems are electronically integrated with system 10, thereby simplifying the transactions. Page 30, lines 7-22.</p> <p>In step 86, the seller accesses system 10 in a conventional manner, such as through a Web site implementing system 10. The seller navigates through the site and locates the event for which the seller has tickets. After the seller selects the event, the system 10 requires the seller to register and login, as shown in step 88. The system 10 also receives a description of the tickets from the seller and confirms the proposed sale. After a purchase is made by a buyer, the system 10 notifies the seller, requests a confirmation from the seller that the seller has the tickets and can complete the</p>
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	<p>transaction, and provides the seller with available courier pickup and drop-off options, as shown in step 90. Once the delivery of the tickets has been completed, system 10 provides payment to the seller (e.g., by check or electronic wire) minus an operating fee, as shown in step 92. Page 35, lines 4-14.</p>
and automatically donate the one or more goods to a third party designated by the seller if the last sale time passes and the one or more goods have not been sold, or	According to this option, if the last sale time passes and the tickets still have not been sold, the system 100 will automatically have the tickets donated to a charitable or nonprofit organization, without charge to the seller. In the event that a seller selects this option, system 10 will automatically arrange for a courier or representative of a charitable or nonprofit organization to retrieve the tickets and deliver them to the requisite location. Page 21, lines 11-16.
choose to donate at least a portion of the remaining proceeds of the sale to the third party designated by the seller if the one or more goods are sold before the last sale time passes;	Alternatively, the seller may choose to have the proceeds of the sale donated to a third party, such as a charity or nonprofit entity. This "charity" option is described in greater detail in the section entitled "Transfers with Proceeds to a Third Party" that follows. Page 21, lines 16-19.
receiving information from the seller via the seller interface, the information including a description of the one or more goods, a method of sale for the one or more goods, an option selected by the seller to donate at least a portion of the remaining	In this manner, the system allows an owner or provider of goods, such as event tickets, to present the goods for auction and allow the proceeds to flow directly to a charity or nonprofit organization of the owner's choice. Page 36, lines 19-22.
	In addition, the system 10 may present an interface or screen that allows a user to select a charitable or nonprofit entity to which a portion of the proceeds may be donated. Page 38, lines 8-9.
	FIGS. 6-14 illustrate some examples of queries and interactive "pages" (i.e., Web pages where users may view and enter data by use of conventional browsing software) that may be presented by system 10 in order to gather information from

proceeds of the sale, and an identity of a third party designated by the seller to receive at least a portion of the remaining proceeds from the sale;	prospective sellers of event tickets. Page 13, lines 19-22 and FIGS. 6-14. In step 504, system 10 receives information from the provider (e.g., the ticket holder). The information may include: (i) the identity of the provider, (ii) a description and/or location of the tickets that the provider desires to sell, auction or otherwise transfer, (iii) the method of selling the goods (e.g., conventional sale, auction or raffle), and (iv) the identity of the charitable or nonprofit entity that will receive at least some of the proceeds resulting from the transfer. In one embodiment, data can be communicated over a global computer network 20 by prospective providers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. The interface screens for receiving this information from the provider may be substantially similar to those shown in FIGS. 6-14 and described above. Page 37, line 18 – Page 38, line 5 and FIG. 20.
presenting a listing of the one or more goods on behalf of the seller based on the information received from the seller while maintaining seller identity confidential from the buyer;	In functional block or step 32, system 10 receives information from sellers regarding the identity of the sellers, and a description and location of the goods that the sellers desire to sell. In one embodiment, data can be communicated over a global computer network 20 by prospective sellers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. Page 13, lines 13-18 and FIGS. 1 and 2. A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds

	<p>from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19.</p> <p>In the embodiment shown in FIG. 6, a user can locate an event by the type of event, the city in which the event is held, or by the venue in which the event is to occur. When a user selects the appropriate type of event, city or venue, system 10 will further query the user to locate the event. For example, if a user selects "Sports," system 10 will present an interactive page illustrating a plurality of sports categories, such as baseball, football, hockey, soccer, and others. Page 14, lines 10-14 and FIGS. 6-14.</p> <p>Various embodiments provide a system and method that performs all of the financial and shipping logistics without requiring any interaction between the buyer and seller. The system and method may be implemented in a "double blind" manner to enable a third party (i.e., the operator of the system) to manage transaction for the sale of goods between a seller and a remote buyer, including performing all necessary financial and shipping logistics, while maintaining the identity of the transacting parties (i.e., buyer and seller) confidential from one another. Page 34, lines 1-7 and FIG. 5.</p>
presenting a buyer interface to a computer of the buyer, the buyer interface comprising the listing including the description of the one or more goods;	A method for providing logistics for a sale of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain

	<p>goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19.</p> <p>In the embodiment shown in FIG. 6, a user can locate an event by the type of event, the city in which the event is held, or by the venue in which the event is to occur. When a user selects the appropriate type of event, city or venue, system 10 will further query the user to locate the event. For example, if a user selects "Sports," system 10 will present an interactive page illustrating a plurality of sports categories, such as baseball, football, hockey, soccer, and others. Page 14, lines 10-14 and FIGS. 6-14.</p> <p>Various embodiments provide a system and method that performs all of the financial and shipping logistics without requiring any interaction between the buyer and seller. The system and method may be implemented in a "double blind" manner to enable a third party (i.e., the operator of the system) to manage a transaction for the sale of goods between a seller and a remote buyer, including performing all necessary financial and shipping logistics, while maintaining the identity of the transacting parties (i.e., buyer and seller) confidential from one another. Page 34, lines 1-7 and FIG. 5.</p>
conducting the sale of the one or more	A method for providing logistics for a sale

goods over a computer network according to the method of sale;	of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19.
providing financial logistics, including transferring at least a portion of the remaining proceeds of the sale for donation on behalf of the seller to the third party designated by the seller; and	A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to a third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7. As illustrated by block 102, system 10 controls and/or facilitates the entire sale and purchase process, and serves as an intermediary between the buyer and seller, such that the buyer and seller have no direct interaction (e.g., the identity of the parties can remain concealed from one another). In one embodiment, system 10 is electronically integrated with systems of financial service providers and couriers, which operate in a cooperative manner with system 10 to provide the previously described financial and shipping logistics. Page 35, line 22 – Page 36, line 5 and

	<p>FIG. 5.</p> <p>Flow diagram 50 of FIG. 3 illustrates an example of a method of providing payment processing or financial logistics. Briefly, methodology 50 is executed as follows: the system 10 authorizes the sale amount on the buyer's credit card in functional block or step 52; notifies the seller of the proposed purchase and receives seller confirmation in functional block or step 54; charges the buyer's credit card in functional block or step 56; collects funds from the credit card transaction in functional block or step 58; and deducts a fee and transfers the remaining amount of the sale to the seller in functional block or step 60. Page 29, lines 11-19 and FIG. 3.</p> <p>A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.</p> <p>Alternatively, the seller may choose to have the proceeds of the sale donated to a third party, such as a charity or nonprofit entity. Page 21, lines 16-19.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.</p>
providing shipping logistics, including	A method for providing logistics for a sale

arranging for transfer of the one or more goods to the buyer.	<p>of goods is provided. The method includes the steps of: receiving information from a seller, including a description of certain goods, a method of sale for the certain goods, and an identity of a charitable or nonprofit entity that will receive proceeds from the sale; presenting the description of the certain goods to a prospective buyer according to the method of sale; conducting the sale over a computer network; providing financial logistics, including collecting proceeds from the buyer and transferring at least a portion of the proceeds to the charitable or nonprofit entity; and providing shipping logistics, including arranging for transfer of the goods to the buyer. Page 7, lines 8-16 and FIGS. 15-19.</p> <p>Generally, the method employed to provide the "double blind" logistics may include the following procedures: receiving information from a seller regarding certain goods that the seller desires to sell; providing information to prospective buyers regarding the certain goods that are for sale; receiving a purchase request from a buyer for the certain goods; confirming the buyer's financial ability to complete the sale or to pay for the goods (e.g., authorizing the buyer's credit card); confirming with the seller that the certain goods are still available and that the sale can be completed; receiving payment from the buyer (e.g., charging the buyer's credit card); arranging for the certain goods to be transferred from the seller to the buyer; confirming that the certain goods have been received by the buyer; and providing payment to the seller, once receipt has been confirmed. Page 34, lines 8-18 and FIG. 4.</p>
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Support for the claimed subject matter defined in independent claim 21 is found at least in the portions of the specification and drawings as follows.

Claim 21	Specification and Figures
A computerized method for conducting a raffle, comprising the steps of:	Various embodiments provide a method and system for conducting a raffle over a computer network, whereby the proceeds of the raffle may be donated to a third party, such as a charitable or nonprofit organization or institution. Page 6, lines 6-9.
receiving information at an intermediary computer system from a first party and from a plurality of buyers for providing an online marketplace between the first party and the plurality of buyers;	<p>In functional block or step 32, system 10 receives information from sellers regarding the identity of the sellers, and a description and location of the goods that the sellers desire to sell. In one embodiment, data can be communicated over a global computer network 20 by prospective sellers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. Page 13, lines 13-18 and FIGS. 1 and 2.</p> <p>FIGS. 6-14 illustrate some examples of queries and interactive "pages" (i.e., Web pages where users may view and enter data by use of conventional browsing software) that may be presented by system 10 in order to gather information from prospective sellers of event tickets. Page 13, lines 19-22 and FIGS. 6-14.</p> <p>Referring back to FIG. 2, the system 10 proceeds with the methodology 30 by receiving a purchase request and information from the buyer, as shown in functional block or step 36. Particularly, when a buyer desires to purchase any of the presented goods, system 10 accepts the purchase request, and queries the buyer for information (e.g., name, address, city, state, zip code, and other buyer attribute data). Page 24, line 20 – Page 25, line 2 and FIGS. 1 and 2.</p>

	<p>In one embodiment, the following series of pages may be used: a seat selection page that allows a user to select which of the seats the user desires to purchase; a delivery location options page that allows a user to enter a desired location for delivery (e.g., the user's home and/or work address, or will call); a delivery method options page that allows a user to select between various shipping options (e.g., conventional land/air courier, express courier, local courier or runner, overnight delivery, second day delivery, same day delivery); a payment options page that displays the total cost (e.g., ticket and delivery cost) and allows a user to select a method of payment (e.g., the type and number of a credit or debit card); and a confirmation page that allows a user to view a summary of the foregoing information, including a description of the tickets, delivery method, delivery location, payment amount, and method of payment. Page 25, line 17 – Page 26, line 5 and FIGS. 1 and 2.</p>
presenting a user interface to a computer of the first party for receiving information from the first party comprising a description of one or more goods offered for raffle,	<p>FIGS. 6-14 illustrate some examples of queries and interactive "pages" (i.e., Web pages where users may view and enter data by use of conventional browsing software) that may be presented by system 10 in order to gather information from prospective sellers of event tickets. Page 13, lines 19-22 and FIGS. 6-14.</p> <p>In step 504, system 10 receives information from the provider (e.g., the ticket holder). The information may include: (i) the identity of the provider, (ii) a description and/or location of the tickets that the provider desires to sell, auction or otherwise transfer, (iii) the method of selling the goods (e.g., conventional sale, auction or raffle), and (iv) the identity of the charitable or nonprofit entity that will receive at least some of the proceeds resulting from the transfer. In one embodiment, data can be communicated</p>

	<p>over a global computer network 20 by prospective providers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. The interface screens for receiving this information from the provider may be substantially similar to those shown in FIGS. 6-14 and described above. Page 37, line 18 – Page 38, line 5 and FIG. 20.</p> <p>In functional block or step 32, system 10 receives information from sellers regarding the identity of the sellers, and a description and location of the goods that the sellers desire to sell. In one embodiment, data can be communicated over a global computer network 20 by prospective sellers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. Page 13, lines 13-18 and FIGS. 1 and 2.</p>
the user interface providing the first party with available options for directing proceeds of the raffle including options for receiving proceeds of the raffle and for donating proceeds from the raffle to a third party;	<p>The system and method facilitates a sale or transfer of goods in order to benefit a third party, such as a charity or nonprofit institution (e.g., a university), a political action committee or some other fundraising cause or entity. For example, the system 10 may be used to provide and conduct charity or nonprofit fundraising activities, such as a sale, auction or raffle. In this manner, the system allows an owner or provider of goods, such as event tickets, to present the goods for auction and allow the proceeds to flow directly to a charity or nonprofit organization of the owner's choice. Page 36, lines 15-22.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.</p>

receiving an option to donate proceeds from the raffle selected by the first party via the user interface prior to conducting the raffle;	In step 504, system 10 receives information from the provider (e.g., the ticket holder). The information may include: (i) the identity of the provider, (ii) a description and/or location of the tickets that the provider desires to sell, auction or otherwise transfer, (iii) the method of selling the goods (e.g., conventional sale, auction or raffle), and (iv) the identity of the charitable or nonprofit entity that will receive at least some of the proceeds resulting from the transfer. In one embodiment, data can be communicated over a global computer network 20 by prospective providers who are selectively queried by system 10 (e.g., while visiting a Web site), and who transmit appropriate responses by use of a computer 22. The interface screens for receiving this information from the provider may be substantially similar to those shown in FIGS. 6-14 and described above. Page 37, line 18 – Page 38, line 5 and FIG. 20.
receiving requests to purchase raffle tickets from the plurality of buyers over a computer network;	The methodology 30 is briefly executed as follows: the system 10 receives information from sellers in functional block or step 32; presents information regarding goods that are for sale to potential buyers in functional block or step 34; receives purchase requests and information from buyers in functional block or step 36; provides financial logistics in functional block or step 38; and provides shipping logistics in functional block or step 40. The function and/or operation of each of the foregoing steps is discussed below in more detail, along with non-limiting examples of how each of these steps would be implemented in a ticket sale transaction. Page 13, lines 5-12. A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers

	<p>weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22.</p> <p>receiving identification information from the plurality of buyers;</p> <p>The methodology 30 is briefly executed as follows: the system 10 receives information from sellers in functional block or step 32; presents information regarding goods that are for sale to potential buyers in functional block or step 34; receives purchase requests and information from buyers in functional block or step 36; provides financial logistics in functional block or step 38; and provides shipping logistics in functional block or step 40. The function and/or operation of each of the foregoing steps is discussed below in more detail, along with non-limiting examples of how each of these steps would be implemented in a ticket sale transaction. Page 13, lines 5-12.</p> <p>A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22 and FIGS. 2-3, 5 and 15-20.</p>
creating a record of the plurality of buyers weighted according to the number of raffle tickets purchased by each buyer;	In the next step 720, the names (or identities) of the buyers are recorded (e.g., entered into a register or list) in a manner that is weighted according to the number of tickets purchased by each buyer. In one embodiment, each of the buyer names is entered into a spreadsheet in alphabetical order with each name having a number of entries equal to the number of tickets purchased by that buyer. For example, assume Buyer A purchased 10 tickets, Buyer B purchased 7 tickets, and Buyer C purchased 8 tickets. In the resulting

	<p>spreadsheet, Buyer A would reside in rows 1-10; Buyer B would reside in rows 11-17; and Buyer C would reside in spots 17-25. In another embodiment, the buyers may simply be assigned numbers in a similar (e.g., sequential) manner according to the number of tickets they purchased. Page 41, lines 11-20 and FIG. 24.</p> <p>A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22 and FIGS. 2-3, 5 and 15-20.</p>
selecting a winner at random from the record;	<p>In step 730, a winner is selected at random with appropriate weighting given to each buyer based upon the number of tickets the buyer purchased. For instance, a conventional Monte Carlo algorithm may be used to generate a random or pseudorandom number between 1 and the total number of tickets sold (e.g., a number from 1 to 25 in the previous example). The buyer that is assigned to that number (e.g., the row corresponding to that number in the spreadsheet example) is declared the winner. It should be appreciated that conducting the selection in this manner will ensure that a buyer's chance of winning is proportionate to the number of tickets purchased by that buyer. Page 41, line 21 – Page 42, line 6 and FIG. 24.</p> <p>A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers</p>

	<p>weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22 and FIGS. 2-3, 5 and 15-20.</p>
notifying the winner;	<p>A method for conducting a raffle is provided. The method includes the steps of: receiving requests to purchase raffle tickets from a plurality of buyers over a computer network; receiving identification information from the plurality of buyers; creating a record of the plurality of buyers weighted according to the number of tickets purchased by each buyer; selecting a winner at random from the record; and notifying the winner. Page 7, lines 17-22 and FIGS. 2-3, 5 and 15-20.</p>
and donating the proceeds from the raffle tickets to the third party on behalf of the first party in accordance with the option selected by the first party.	<p>A system is disclosed for providing logistics for a sale of goods. The system is adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing the sale of goods, wherein the financial logistics include collecting funds from the buyer and transferring at least a portion of the funds to third party designated by the seller, without requiring interaction between the buyer and seller. Page 7, lines 1-7.</p> <p>Alternatively, the seller may choose to have the proceeds of the sale donated to a third party, such as a charity or nonprofit entity. Page 21, lines 16-19.</p> <p>FIG. 20 illustrates a method 500 that may be used with system 10 in order to facilitate and provide logistics for a sale or transfer of goods (e.g., event tickets) with the associated proceeds being donated to a charitable or nonprofit entity. Page 37, lines 4-6 and FIG. 20.</p> <p>In step 510, the system 10 collects funds from the buyer and provides them to the</p>

	<p>designated charitable or nonprofit entity. In the case of a raffle, this step may occur prior to and/or contemporaneous with step 508. In the case of a standard sale or an auction, the system 10 performs step 510 after step 508. The system 10 may automatically charge the buyer's credit or electronic account, collect the funds, deduct a commission or fee that is provided to the operator of the system, and transfer the remaining amount of the sale to the designated entity. The system may also perform this step in a substantially similar manner to that described in method 50 of Figure 3, with the exception that at least a portion of the funds are transferred to the charitable or nonprofit entity rather than the seller. Page 42, line 15 – Page 43, line 2.</p>
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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-7, 9-11, and 13-20 are unpatentable under 35 U.S.C. § 103(a) over WebCharity.com Webpage (“WebCharity”) in view of Official Notice and Poway Unified School District Inventory Supervisory Job Listing (“Poway”).

Whether claims 8, 12, 21-28, 32, and 33 are unpatentable under 35 U.S.C. § 103(a) over WebCharity in view of Official Notice, Poway and United States Published Patent Application (USPPA) 2002/0152130 to Salls (“Salls”).

Whether claims 29-31 are unpatentable under 35 U.S.C. § 103(a) over WebCharity in view of Official Notice, Salls, and United States Patent Number 5,752,025 to Shakib et al. (“Shakib”).

Whether claims 34 and 35 are unpatentable under 35 U.S.C. § 103(a) over WebCharity in view of Official Notice, Salls, and USPPA 2001/0047290 to Petras et al. (“Petras”).

VII. ARGUMENT

Claims 1-7, 9-11, and 13-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WebCharity in view of Official Notice and Poway.

Claims 8, 12, 21-28, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WebCharity in view of Official Notice, Poway and Salls.

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WebCharity in view of Official Notice, Salls, and Shakib.

Claims 34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WebCharity in view of Official Notice, Salls, and Petras.

Appellants respectfully traverse these rejections.

Claims 1-7, 9-11, and 13-20

Appellants respectfully submit that WebCharity fails to disclose, teach, or suggest each and every element recited in independent claims 1 and 13, and it would not have been obvious to modify WebCharity in the manner suggested by the Examiner based on the teachings of Official Notice and Poway.

Among their other elements, independent claims 1 and 13 recite that a seller interface presents available options allowing a seller to choose to receive all of remaining proceeds of a sale if one or more goods are sold before a last sale time passes and to automatically donate the one or more goods to a third party designated by the seller if the last sale time passes and the one or more goods have not been sold.

Appellants respectfully submit that WebCharity fails to disclose these features of independent claims 1 and 13, and that it would not have been obvious to modify WebCharity in the manner suggested by the Examiner.

Regarding whether WebCharity allows a seller to choose to receive all of the remaining proceeds of a sale if goods are sold, the Examiner states that WebCharity is “directed mainly to donating a portion of the proceeds of a sale to charity.” However, the Examiner argues that because WebCharity does not explicitly say that the seller can choose to receive all of the remaining proceeds, then WebCharity inherently allows the option that a seller can select that zero percent of the proceeds of a sale would go to charity.

First, Appellants note that it is, at the very least, misleading for the Examiner to state that WebCharity is (emphasis added) “directed mainly to donating a portion of the proceeds of a sale to charity.” It is clear from the WebCharity description that WebCharity is directed only to donating at least a percentage of proceeds of a sale to charity. For example, at “How WebCharity Item Donations Work”, STEP 2, the seller is asked to select a charity to “receive the proceeds from the sale and the percentage of the selling price which [the seller wants] to donate to the charity.” The Examiner’s suggestion that somehow WebCharity could be directed to something other than donation of at least a percentage of proceeds of a sale to charity would vitiate WebCharity’s purpose and would vitiate the concepts provided in STEP 2 of this process. Moreover, the Examiner has not provided any citation in WebCharity that describes how WebCharity is directed to something other than donating the portion of a sale to charity. In fact, WebCharity does not describe or suggest that a seller is given an option to receive all of the remaining proceeds if the goods are sold.

Nevertheless, the Examiner appears to realize that WebCharity lacks this option, because the Examiner also argues that it would have been obvious to combine

WebCharity with “zero donation because [this] allows for a reminder to the seller that they have the option of backing out of the donation and keeping all of the proceeds for themselves.” However, such a modification of WebCharity makes no sense because WebCharity is designed for the sole purpose of giving both buyers and sellers peace of mind that at least a percentage of the sale goes to the designated charity. Any modification of WebCharity to permit a seller to receive all of the remaining proceeds would vitiate the purpose of WebCharity and would vitiate the ability for individuals and companies to (emphasis) “pledge new and used items to their favorite cause, which will then be sold via an auction or retail sale format, with 100% of the donation going to the Nonprofit Organization.” See WebCharity at “Corporate Information”, paragraph 2 in the “About Us” section. Such a modification would vitiate the purpose and strength of WebCharity, which “allows people to bid on merchandise with the proceeds going to charity.” See WebCharity at “Guilt-Free Bidding on WebCharity.com” at paragraph 1. A buyer would have no assurances that the bid proceeds would go to charity if the seller could choose to keep 100% of the remaining proceeds for his or herself. Moreover, a seller would not think to use WebCharity if the seller wanted to keep 100% of the remaining proceeds for his or herself.

For at least this reason, it would not have been obvious to modify WebCharity to include the choice to the seller to receive all of the remaining proceeds of a sale if goods are sold before a last sale time passes.

Second, it appears that the Examiner concedes that WebCharity does not disclose that goods are automatically donated to a third party designated by the seller if the last sale time passes and the goods have not been sold. However, the Examiner cites Poway to somehow disclose this feature, and argues that it would have been obvious to combine the “charity auction of Webcharity with the donation of unsold goods to charity because it quickly and effortlessly allows for the seller to dispose of the goods while still doing charitable work.”

While Poway mentions that unsold items can be donated to charity after a sealed bid auction, Appellant submits that the teachings of Poway clearly are insufficient to make it obvious to modify WebCharity to provide an option in a seller interface to allow a seller to choose to receive all of the remaining proceeds of the sale if the one or more

goods are sold before a last sale time passes and automatically donate the one or more goods to a third party designated by the seller if the last sale time passes and the one or more goods have not been sold.

As described above, WebCharity clearly does not disclose, teach, or suggest allowing a seller to receive all of the remaining proceeds of a sale if goods are sold before a last sale time passes. It follows, therefore, that there is no teaching, suggestion, or motivation to modify WebCharity to provide an option in a seller interface to allow a seller to choose to receive all of the remaining proceeds of the sale if the one or more goods are sold before a last sale time passes and automatically donate the one or more goods to a third party designated by the seller if the last sale time passes and the one or more goods have not been sold.

Further, WebCharity teaches away from donating any unsold goods to charity. WebCharity explains that “it is expensive and time consuming to turn the [non-monetary] donations to cash” and that WebCharity “reduces this burden from the charity’s shoulders, freeing them to spend time doing what they exist to do – assisting those in need and benefiting their communities.” See WebCharity at paragraph 2 of the “Press Release” dated July 16 and paragraph 1 of “How it Works”. As also explained at paragraph 1 of “How it Works,” by “turning in-kind gifts into ready cash for these organizations, we also help increase the actual cash amount that can be funneled into useful causes; less time means less overhead and less overhead means more efficient operations.” Modification of WebCharity to include the option to donate the unsold items to the charity would vitiate these benefits and would vitiate the purpose of WebCharity’s design.

Accordingly, the proposed modifications to WebCharity would render WebCharity unsatisfactory for its intended purpose and would change the principle of operation of WebCharity and because of this, there can be no suggestion or motivation to make the proposed modification to WebCharity. See MPEP §2143.01V. and VI.

In view of the above, Appellants submit that WebCharity fails to teach or suggest each and every element recited in independent claims 1 and 13. Further, there is no explicit or implicit teaching, suggestion, or motivation to modify WebCharity to include all of the recited features of independent claims 1 and 13 and any of the proposed

modifications are improper because modification of WebCharity to include these features recited by independent claims 1 and 13 would be contrary to the explicit teachings and principle of operation of WebCharity.

Consequently, the cited references are insufficient to render independent claims 1 and 13 obvious under § 103(a). For at least the foregoing reasons, Appellants submit that independent claims 1 and 13 are allowable over the cited references. Accordingly, Appellants respectfully requests reconsideration and withdrawal the § 103(a) rejection with respect to independent claims 1 and 13.

Dependent claims 2-7, 9-11, and 14-20 are allowable at least by virtue of their dependency from allowable independent claims 1 and 13 as well as on their own merits by virtue of additional recited features that further distinguish these claims from the applied references.

Claims 8 and 12

These claims depend from claim 1, which was rejected as being unpatentable over WebCharity in view of Official Notice and Poway. As discussed above, WebCharity does not teach, suggest, or disclose a seller interface that presents available options allowing a seller to choose to receive all of remaining proceeds of a sale if one or more goods are sold before a last sale time passes and to automatically donate the one or more goods to a third party designated by the seller if the last sale time passes and the one or more goods have not been sold, and it would not have been obvious to modify WebCharity to include these features based on the teachings of Official Notice and Poway.

Appellants further submit that Salls, which was not relied upon to describe these features, also fails to teach, suggest or disclose at least the above recited language of independent claims 1 and 13, and there is no explicit or implicit teaching, suggestion, or motivation to modify WebCharity to include all of the recited features of independent claims 1 and 13 based on the teachings of Salls for at least the reasons discussed above.

Claims 21-28, 32, and 33

Appellants respectfully submit that WebCharity, Official Notice, Poway, and Salls fail to disclose, teach, or suggest each and every element recited in independent claim 21, and it would not have been obvious to modify WebCharity in the manner suggested by the Examiner based on the teachings of Official Notice, Poway, and Salls.

Among its other elements, independent claim 21 recites that a user interface is presented to a first party and provides the first party with options for directing proceeds of a raffle and for donating proceeds from the raffle to a third party, that an option to donate the proceed from the raffle is received prior to conducting the raffle, and that the proceeds from the raffle tickets are donated to the third party on behalf of the first party.

Appellants respectfully submit that WebCharity, Official Notice, Poway, and Salls fail to disclose these features of independent claim 21, and that it would not have been obvious to modify WebCharity in the manner suggested by the Examiner.

WebCharity relates to an online site that provides for items to be auctioned or sold by a first party to a second party, with proceeds going to a third party charity. See WebCharity at STEP 1 of “How WebCharity Item Donations Work.” WebCharity never teaches that the items provided by the first party can or would be raffled. Realizing this deficiency, the Examiner cites Figs. 10-13 of Salls to somehow describe these features. Salls relates to an online raffle where an owner of an article submits the article through the Internet to an online raffle service, which raffles the article and pays the owner his full asking prices for the article. See Salls at paragraphs 0004 and 0041-0045. However, Salls never describes or suggests that the proceeds from the raffle would go to a party other than the owner. Rather, Salls explains that the owner of the article receives full payment for the article. See Salls at paragraphs 0004 and 0041-0045.

The Examiner also argues that it would have been obvious to “combine the charity donation system of Webcharity with the raffle of Salls because it provides ‘a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value.’” However, while Salls describes that a raffle is popular and exciting, Salls never suggests that a raffle would be suitable to use in a system such as the system described by WebCharity. Moreover, a modification of WebCharity to provide that items from individuals and companies be raffled off for the

benefit of that individual or company (as taught by Salls) is contrary to the intended purpose of WebCharity, which is to donate proceeds from a sale or auction to a third party and not back to the owner.

Additionally, modification of WebCharity to provide that items are raffled by WebCharity to benefit a third party such as a charity would not have been obvious because such a modification would require a substantial reconstruction and redesign of the elements of WebCharity's website. Because of this, such a modification would not be proper. See MPEP §2143.01VI. In particular, the Examiner appears to ignore the difficulty of setting up an online raffle, and the additional steps that would be required by WebCharity, such as the steps of selling tickets for the raffle, of determining when a threshold raffle price is reached, selecting a winning ticket, and making sure the raffle complies with the state laws. By contrast, WebCharity describes an "the most efficient place on earth to transform inkind gift donations ... to cash for Nonprofit Organizations" and a system that is "designed to keep as much of the cost out of transforming donated items to cash as possible." See WebCharity at "How WebCharity Item Donations Work." The raffle taught by Salls is not a most efficient method of transforming a gift donation into cash because Salls' raffle is not efficient nor does it transform a gift donation into cash.

Additionally, independent claim 21 also recites that a record of a plurality of buyers weighted according to a number of raffle tickets purchased by each buyer is created. None of the cited references describes or suggests this feature of independent claim 21. In particular, while Salls describes selecting a winning ticket number, Appellants submit that Salls clearly does not disclose, teach, or suggest creating a record of buyers weighted according to the number of raffle tickets purchased by each buyer. The Examiner alleges that Figs. 10-13 and related text of Salls (which is reproduced below), disclose this feature.

[0041] FIG. 10, illustrates a flow chart listing the overall flow for conducting an on-line raffle session. Step 74 includes the registration of the raffle article and the registrant. The registrant submits an article for raffling for various reasons, in particular, to receive full price for his article instead of having to pay a commission from the sale of the article. Step 74 includes creating an article and registrant account for registering

and tracing the article. Step 76, includes placing the article in the on-line raffle directory for review and to begin the raffle session. Step 77, simultaneously or thereafter, of step 74, an interested individual or entity registers as a ticket purchaser and creates a ticket purchaser account, step 78 and at any time the ticket purchaser can view the on-line raffle directory to find the article the ticket purchaser wants to purchase a ticket for, step 79. The preferred embodiment would be for a ticket purchaser to view the on-line directory and be able to view the article through a photograph, graphical picture and/or a video image which could allow a ticket purchaser to take a virtual tour of the article. After the ticket purchaser views the directory and makes their choice of what article or articles the ticket purchaser intends to purchase tickets for, the raffle session is executed, step 80 and when 100% threshold raffle price is reached, step 81 the raffle closes and the ticket numbers are transferred to an electronic ticket selector process for winning ticket selection, step 82 and selects a winning ticket, step 83. After the winning ticket selection the execution of the winning ticket process, step 84 begins, with notification of the winner, transferring the article to the winner and the execution of the contract process, step 85 begins where the article registrant's contract is executed and the registrant receives full payment for the article submitted and raffled.

[0042] FIG. 11, illustrates a flow chart of step 78 of FIG. 10. Create ticket purchaser account 78 starts with submitting a ticket purchaser account creation form, step 86 by the ticket purchaser going on-line from a remote computer, wherein, the remote computer browser allows the ticket purchaser to access the account creation computer to retrieve the account creation form. after the ticket purchaser opens the account, the ticket purchaser receives a new ticket purchaser account confirmation message, step 87. The ticket purchaser then confirms all the information on the new account, step 89 and the main computer which creates a registration record in the ticket purchaser data base, step 90. The record is secured from remote access, step 91 to prevent any remote access of a ticket purchaser account without the proper identification number.

[0043] FIG. 12, illustrates a flow chart of step 75 in FIG. 10. Create article and registrant account 75 begins with the registrant going on-line from a remote computer, wherein, the remote computer browser allows registrant to access the account creation computer and retrieve an account creation form. After retrieving the account creation form registrant submits the account creation form, step 92 and receives a new account confirmation message, step 93. The article is then placed simultaneously, in the on-line raffle directory, step 94 so it can be viewed by ticket purchasers. Registrant then confirms the new account, step 95 and receives a registration message, step 96 from the central computer. The central computer creates a registration record in the article and registrant data

base, step 97. The article and registrant record is then secured from remote access by remote viewers, step 98 to prevent any remote unauthorized access to article and registrant account information.

[0044] FIG. 13, illustrates a flow chart of step 80 of FIG. 10. The raffle session begins with the submitted article, step 99 which has been registered and entered into the on-line raffle directory. Ticket purchasers purchase tickets, step 100 and determine whether the account is valid. The query results indicate if a ticket purchaser has a valid account, step 102. If the answer is NO, step 104 the central computer executes step 103, and notifies the ticket purchaser that the account is invalid. The ticket purchaser then validates his account or creates a new account, step 101. The ticket purchaser may have failed to add sufficient funds to the account or needs to create a new account. After validation or creation of a new account, the raffle ticket purchaser retries to purchase tickets again, step 100. If the ticket purchaser account is valid and is indicated by a YES, step 105 the ticket purchase is recorded and matched to a particular article, step 106. After the 100% raffle price threshold is reached, step 81 and a winning ticket is selected, step 83, the winning ticket number process is executed and the winner is notified, step 84, and the article is transferred to the winner. Simultaneously, the contract for the article process is executed and the registrant is notified and paid full price for the article raffled.

Appellants have searched the above portions of Salls and can find no disclosure, teaching, or suggestion in these portions for creating a record of buyers weighted according to the number of raffle tickets purchased by each buyer.

In view of the above, Appellants submit that WebCharity, Official Notice, Poway, and Salls fails to teach or suggest each and every element recited in independent claim 21. Further, there is no explicit or implicit teaching, suggestion, or motivation to modify WebCharity to include all of the recited features of independent claim 21 and any of the proposed modifications are improper because modification of WebCharity to include these features recited by independent claims 21 would be contrary to the explicit teachings and principle of operation of WebCharity and would require a substantial redesign of WebCharity's system and interface.

Consequently, the cited references are insufficient to render independent claim 21 obvious under § 103(a). For at least the foregoing reasons, Appellants submit that independent claim 21 is allowable over the cited references. Accordingly, Appellants

respectfully requests reconsideration and withdrawal the § 103(a) rejection with respect to independent claim 21.

Dependent claims 22-28, 32, and 33 are allowable at least by virtue of their dependency from allowable independent claim 21 as well as on their own merits by virtue of additional recited features that further distinguish these claims from the applied references.

Claims 29-31, 34, and 35

As discussed above, WebCharity, Official Notice, Poway, and Salls, alone or in combination, fail to disclose, teach, or suggest each and every element recited in independent claim 21, and it would not have been obvious to modify WebCharity in the manner suggested by the Examiner based on the teachings of Official Notice, Poway, and Salls. Additionally, the teachings of Shakib and Petras, which were not relied upon to show the above-discussed features of independent claim 21, do not remedy the deficiencies of WebCharity, Official Notice, Poway, and Salls.

If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. See MPEP § 2143.03, for example. Therefore, Appellants respectfully request reconsideration and withdrawal of the § 103(a) rejections with respect to claims 29-31, 34, and 35, which depend from independent claim 21 at least by virtue of their dependency from an allowable independent claim as well as on their own merits by virtue of additional recited features that further distinguish these claims from the applied references.

Conclusion

For at least the reasons set forth above, Appellants submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness with respect to claims 1-35. In particular, claims 1-35 recite novel features that are neither taught nor fairly suggested by the cited references. Appellants submit, therefore, that the cited references are insufficient to render claims 1-35 obvious under § 103(a).

Accordingly, Appellants respectfully request the Board to overturn the § 103(a) rejections of claims 1-35.

Respectfully submitted,

/Robert V. Racunas/
Robert V. Racunas, Reg. No. 43,027
Under 37 CFR 1.34(a)

Dated: November 22, 2010

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VIII. CLAIMS APPENDIX

1. An online marketplace system for providing logistics for a sale of one or more goods, the online marketplace system being adapted to receive information from a seller and a buyer for serving as an intermediary between the seller and the buyer, to present a seller interface for receiving information from the seller comprising a seller identity and a description of the one or more goods, to present a listing of the one or more goods on behalf of the seller based on the information received from the seller, to present the buyer with a buyer interface comprising the listing that includes the description of the one or more goods while maintaining the seller identity confidential from the buyer, and to provide financial logistics and shipping logistics for completing the sale of the one or more goods, wherein:

the financial logistics include collecting proceeds of the sale of the one or more goods from a financial service provider designated by the buyer, deducting a fee for use of the online marketplace system from the proceeds of the sale, and transferring remaining proceeds of the sale according to an option selected by the seller, without requiring interaction between the buyer and seller; and

the seller interface presents available options for directing the remaining proceeds of the sale and receives the option selected by the seller from the available options prior to presenting the listing to the buyer, the available options allowing the seller to:

choose to receive all of the remaining proceeds of the sale if the one or more goods are sold before a last sale time passes and automatically donate the one or more goods to a third party designated by the seller if the last sale time passes and the one or more goods have not been sold, or

choose to donate at least a portion of the remaining proceeds of the sale to the third party designated by the seller if the one or more goods are sold before the last sale time passes.

2. The online marketplace system of claim 1 wherein the third party comprises a charitable or nonprofit entity.

3. The online marketplace system of claim 1 wherein the third party comprises a political action committee.
4. The online marketplace system of claim 1 wherein the third party comprises a fundraising entity.
5. The online marketplace system of claim 2 wherein said financial logistics comprises providing said entity with information regarding the seller sufficient to allow the entity to generate an acknowledgement for tax reporting purposes.
6. The online marketplace system of claim 1 wherein the system is adapted to receive the information over a computer network.
7. (Previously Presented) The online marketplace system of claim 6 wherein the financial logistics comprises conducting an auction over the computer network.
8. The online marketplace system of claim 6 wherein the financial logistics comprises conducting a raffle over the computer network.
9. The online marketplace system of claim 1 wherein the system is adapted to provide the shipping logistics by use of at least one geography-based and time-based strategy.
10. The online marketplace system of claim 9 wherein the goods are time-sensitive.
11. The online marketplace system of claim 10 wherein the goods are event tickets.
12. The online marketplace system of claim 1 wherein the financial logistics include authorizing an amount of sale on a credit card of the buyer, charging the credit card for the amount of sale, receiving the amount of sale, and transferring at least a portion of the amount of sale to the third party.

13. A computerized method for providing logistics for a sale of one or more goods comprising the steps of:

receiving information at an intermediary computer system from a seller and a buyer for providing an online marketplace for conducting the sale of the one or more goods without requiring interaction between the seller and the buyer, wherein the intermediary system is adapted to collect proceeds of the sale of the one or more goods from a financial service provider designated by the buyer, deduct a fee for use of the online marketplace from the proceeds of the sale, and transfer remaining proceeds of the sale according to an option selected by the seller;

presenting a seller interface to a computer of the seller, the seller interface providing the seller with available options for directing the remaining proceeds of the sale and for receiving the option selected by the seller from the available options prior to listing the one or more goods for sale to the buyer, the available options allowing the seller to:

choose to receive all of the remaining proceeds of the sale if the one or more goods are sold before a last sale time passes and automatically donate the one or more goods to a third party designated by the seller if the last sale time passes and the one or more goods have not been sold, or

choose to donate at least a portion of the remaining proceeds of the sale to the third party designated by the seller if the one or more goods are sold before the last sale time passes;

receiving information from the seller via the seller interface, the information including a description of the one or more goods, a method of sale for the one or more goods, an option selected by the seller to donate at least a portion of the remaining proceeds of the sale, and an identity of a third party designated by the seller to receive at least a portion of the remaining proceeds of the sale;

presenting a listing of the one or more goods on behalf of the seller based on the information received from the seller while maintaining seller identity confidential from the buyer;

presenting a buyer interface to a computer of the buyer, the buyer interface comprising the listing including the description of the one or more goods;

conducting the sale of the one or more goods over a computer network according to the method of sale;

providing financial logistics, including transferring at least a portion of the remaining proceeds of the sale for donation on behalf of the seller to the third party designated by the seller; and

providing shipping logistics, including arranging for transfer of the one or more goods to the buyer.

14. The method of claim 13 wherein the goods comprise event tickets.
15. The method of claim 14 wherein the third party comprises a charitable or nonprofit entity.
16. The method of claim 14 wherein the third party is a political action committee.
17. The method of claim 14 wherein the third party is a fundraising entity.
18. The method of claim 15 further comprising the step of:
providing the charitable or nonprofit entity with information regarding the seller sufficient to allow the entity to generate an acknowledgement for tax reporting purposes.
19. The method of claim 15 further comprising the step of:
causing an acknowledgement for tax reporting purposes to be provided to the seller.
20. The method of claim 14 wherein said system is adapted to provide said shipping logistics by use of at least one geography-based and time-based strategy.
21. A computerized method for conducting a raffle, comprising the steps of:

receiving information at an intermediary computer system from a first party and from a plurality of buyers for providing an online marketplace between the first party and the plurality of buyers;

presenting a user interface to a computer of the first party for receiving information from the first party comprising a description of one or more goods offered for raffle, the user interface providing the first party with available options for directing proceeds of the raffle including options for receiving proceeds of the raffle and for donating proceeds from the raffle to a third party;

receiving an option to donate proceeds from the raffle selected by the first party via the user interface prior to conducting the raffle;

receiving requests to purchase raffle tickets from the plurality of buyers over a computer network;

receiving identification information from the plurality of buyers;

creating a record of the plurality of buyers weighted according to the number of raffle tickets purchased by each buyer;

selecting a winner at random from the record;

notifying the winner; and

donating the proceeds from the raffle tickets to the third party on behalf of the first party in accordance with the option selected by the first party.

22. The method of claim 21 wherein the winner wins goods provided by the first party.

23. The method of claim 22 wherein the goods comprise event tickets.

24. The method of claim 22 further comprising the steps of:

receiving information from the first party, including the identity of the third party that will receive the proceeds of the raffle; and

presenting information to the plurality of buyers that proceeds from raffle tickets purchased will be donated to the third party.

25. The method of claim 24 wherein the third party is a charitable or nonprofit organization.
26. The method of claim 24 wherein the third party is a political action committee.
27. The method of claim 24 wherein the third party is a fundraising entity.
28. The method of claim 25 further comprising the step of: causing an acknowledgement for tax reporting purposes to be provided to the first party.
29. The method of claim 21 wherein the record is created by entering the plurality of buyers into a spreadsheet.
30. The method of claim 29 wherein each buyer occupies a number of rows in the spreadsheet corresponding to the number of tickets purchased by that buyer.
31. The method of claim 30 wherein the step of selecting a winner comprises generating a random number between one and the total number of tickets sold, and wherein the winner is the buyer occupying the row in the spreadsheet corresponding to the random number.
32. The method of claim 21 wherein the record is created by sequentially assigning numbers to the plurality of buyers based on the number of tickets purchased by each buyer, wherein a winner is selected by generating a random number between one and the total number of tickets sold, and wherein the winner is the buyer corresponding to the random number.
33. The method of claim 21 wherein the winner is notified over the computer network.

34. The method of claim 33 wherein the winner is notified by automatically generating an email to the winner.

35. The method of claim 33 wherein the winner is notified by automatically generating an instant message to the winner.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None